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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,539	07/29/2003	Patricia A. Dunn	33813	1538

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LEYDIG, VOIT & MAYER, LTD.
(SEATTLE OFFICE)
TWO PRUDENTIAL PLAZA
SUITE 4900
CHICAGO, IL 60601-6780

EXAMINER

OLSON, LARS A

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,539

Applicant(s)

DUNN ET AL.

Examiner

Lars A Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 8-17 and 40-46 is/are allowed.
- 6) ☒ Claim(s) 6, 7 and 28-32 is/are rejected.
- 7) ☒ Claim(s) 18-27 and 33-39 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/24/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 18-27 are objected to because of the following informalities: On line 14 of claim 18, the phrase "aid plurality of footrests" should be corrected to read "said plurality of footrests". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 6 recites the limitation "said main body" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haller et al. (US 6,065,421) in view of Goucher et al. (US 6,443,089).

Haller et al. discloses an inflatable kayak, as shown in Figures 1-9, that is comprised of an inflatable hull, defined as Part #11, that includes a front portion, defined as Part #17, and a rear portion, defined as Part #16, a seat, defined as Part #41, that is positioned between said front and rear portions, as shown in Figure 2, and a recessed front cargo compartment, defined as Part #56, with a front cargo cover, defined as Part #57, in the form of a cargo net.

Haller et al., as set forth above, discloses all of the features claimed except for the use of an inflatable seat, and a recessed rear cargo compartment with a rear cargo cover.

Goucher et al. discloses an inflatable seat for a kayak, as shown in Figures 1-5, said inflatable seat, defined as Part #11, having an inflatable back support, defined as Part #56.

The use of an inflatable kayak with front and rear recessed cargo compartments with cargo covers instead of only a front recessed cargo compartment with cargo cover would be considered by one of ordinary skill in the art to be an obvious multiplication of parts for the purpose of providing additional cargo carrying space on said inflatable kayak.

The use of a cargo compartment having a specific internal volume would also be considered by one of ordinary skill in the art to be a design choice based upon the

desired cargo capacity of said cargo compartment, and the dimensions of the cargo to be carried in said cargo compartment.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize an inflatable seat for a kayak, as disclosed by Goucher et al., in place of the removable seat of the inflatable kayak as disclosed by Haller et al., as well as a rear cargo compartment with a cargo cover, for the purpose of providing an inflatable kayak with a more flexible and adjustable seat means in order to better accommodate a user of an inflatable kayak, and increased cargo carrying space to allow said user to carry more possessions while operating said inflatable kayak.

Allowable Subject Matter

7. Claims 1-5, 8-17 and 40-46 are allowed.
8. Claims 33-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Niemier (US 6,178,912, US 6,152,063 and US 5,964,177) discloses a sit-on-top kayak with a hollow, rotationally molded hull, and a plurality of footrests built into an open cockpit area with one or more seats. Carpenter (US 5,493,982) discloses a kayak with an open cockpit and a pair of footwells. Niemier

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et al. (US 5,417,179) discloses a sit-on-top kayak with an open cockpit having a plurality of leg brace members and footrests. Masters (US 4,589,365) discloses an open-cockpit kayak with a pair of adjustable footrests. Niemier (US D400,843) and Lincoln (US D394,630) disclose designs for kayaks with open cockpits.

10. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

September 8, 2004

LARS A. OLSON
PATENT EXAMINER

Lars Olson
9/8/04